

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONTRELL LEFLORE,

Petitioner,

v.

Case No. 04-C-0567

BYRAN BARTOW,

Respondent.

ORDER ON PETITIONER'S MOTION SEEKING RECONSIDERATION

This action was commenced on June 14, 2004, when the petitioner, Dontrell LeFlore ("LeFlore"), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 18, 2004, this court issued an order after Rule 4 review, under the terms of which order the respondent was to file his answer on or before August 16, 2004; the petitioner was to file his brief on or before September 15, 2004; the respondent was to file his brief on or before November 1, 2004; and, the petitioner was to file his reply brief on or before December 1, 2004.

On August 2, 2004, the respondent filed his answer. After a number of extensions of time were granted to the petitioner, on December 4, 2004, LeFlore filed his brief. Similarly, after an extension of time was granted to the respondent, the respondent filed his brief on April 29, 2005. On May 13, 2005, the petitioner requested a forty-five day extension of time to file his reply brief and, on May 13, 2005, this court granted him such extension, thereby requiring that his reply brief be filed on or before June 30, 2005.

On June 13, 2005, LeFlore filed a submission in which he sought to have further action by this court on his habeas corpus petition stayed until such time as he and his “Jailhouse Lawyer,” one Edward Leon Jackson, decided whether LeFlore should return to the state court to exhaust certain claims. Because LeFlore did not set forth in his motion precisely what claims (or issues) he wanted to consider taking back to state court and because he did not indicate how much time for which he wanted the stay to be entered, on June 24, 2005, this court denied his motion without prejudice; at the same time the court granted him an extension of time to file his reply brief.

On July 25, 2005, Le Flore filed a motion seeking reconsideration of the court’s order of June 24, 2005. In his motion LeFlore sets forth the claims which he seeks to present to the state court by way of a postconviction motion under Wis. Stat. § 974.06.

In order to assist the court in deciding LeFlore’s motion seeking reconsideration, the respondent will be ordered to file a response to LeFlore’s motion setting forth the respondent’s position (and support therefor) with respect to the petitioner’s motion.

NOW THEREFORE IT IS ORDERED that on or before August 10, 2005, the respondent shall file his position (and support therefor) with respect to the appropriateness of the court’s staying the instant habeas petition until such time as the petitioner has exhausted his state court remedies on the claims identified in his motion seeking reconsideration.

SO ORDERED this 26th day of July 2005, at Milwaukee, Wisconsin.

s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge